

ESTTA Tracking number: **ESTTA218882**

Filing date: **06/19/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91178970
Party	Defendant Perdue Holdings, Inc.
Correspondence Address	SHERRY H. FLAX SAUL EWING LLP 500 E PRATT ST STE 900 BALTIMORE, MD 21202-3170 UNITED STATES jlpatt@venable.com, trademarkdocket@venable.com, tmcarroll@venable.com
Submission	Motion to Amend Application
Filer's Name	Jacqueline L. Patt
Filer's e-mail	jlpatt@venable.com, trademarkdocket@venable.com, tmcarroll@venable.com
Signature	/jlp/
Date	06/19/2008
Attachments	MEAL_TIME_STARTERS_motion_to_amend_application.pdf ( 2 pages )(19348 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Kellogg of North America	)	
	)	
Opposer,	)	Opposition No. 91178970
	)	Serial No. 78/905628
vs.	)	Mark:
	)	MEAL TIME STARTERS
Perdue Holdings Inc.,	)	
	)	
Applicant.	)	

MOTION TO AMEND APPLICATION

Pursuant to the terms of a Settlement Agreement reached between Applicant and Opposer, Applicant, Perdue Holdings, Inc., hereby requests that the above identified application be amended to delete "or vegetables" as follows:

International Class 29:

Poultry; frozen, prepared or packaged entrees consisting primarily of meat, fish, poultry ~~or vegetables~~.

Opposer has consented to the requested amendment. Should the above amendment be allowed, Opposer will withdraw its Notice of Opposition with prejudice.

Registrant further requests that the Trademark Trial and Appeal Board suspend all dates in these proceedings, including discovery and trial dates pending the disposition of the present Motion.

Respectfully submitted,



By:

Jacqueline Levasseur Patt  
Venable LLP  
P.O. Box 34385  
Washington, D.C. 20043-9998  
Telephone: (202) 344-4000  
Fax: (202) 344-8300  
Attorneys for Registrant

Date: June 19, 2008

CERTIFICATE OF SERVICE

The undersigned, attorney for Defendant, hereby certifies that a copy of the foregoing MOTION TO AMEND APPLICATION was served by First Class Mail to Opposer, David Herdman, Esq., Kellogg of North America, One Kellogg Square, PO Box 3599, Battle Creek, Michigan, 49016-3599, this 19<sup>th</sup>, day of June, 2008.

A handwritten signature in black ink, appearing to read "Jacqueline Patt", with a stylized flourish at the end.

---

Jacqueline Levasseur Patt